

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1, 4-11 and 14 remain active in the application subsequent to entry of this Amendment.

Attached to this response is the Evidentiary Declaration of the senior inventor Yoshiaki Yokoo, the significance of which will be discussed below.

There are two formalities rejections stated in items 2-5 of the Official Action. The first is directed to claim 4 where the examiner argues that the full scope of the claim is not enabled and draws attention to a preferred aspect of the invention at page 6, line 2 of the specification.

Applicants expect that 20,000(x G) of centrifugal separation will produce a juice having turbidity of approximately 2000 NTU which is well within the scope of the claims of this application.

Working Example 2 of the description, a particular embodiment of the invention, indicates that an upper limit of 11,000 (x G) was appropriate to that Example. In order to advance prosecution and resolve an issue related to this dependent claim, claim 4 has been amended to agree with the upper limit of Example 2 of the description as well the passage at page 6, line 2 to which the examiner refers.

Claim 7 is criticized as being unclear and appropriate corrective action has been taken.

The balance of the Official Action deals with a series of prior art-based rejections; *see* items 7-12. The main rejection appears to be that in item 8 directed to claims 1 and 4-9 where the examiner argues that these claims are anticipated by U.S. patent 5,756,141 to Chen et al. After discussing various aspects of the Chen disclosure the examiner asserts, without support, that "the juice (of Chen et al) inherently having a turbidity of above 2000 NTU". The statement is based upon conjecture and, based upon the information that will now be available to the examiner, incorrect.

In his declaration, Mr. Yokoo compares six different products to mango juice produced according to the present invention; *see* Table 1 as well as the figures/photographs of the various products and note that the declarant states that the juice of Chen et al would be recognized to have a turbidity similar to the test results given in the declaration, namely less than 10 NTU, orders of magnitude different from the minimum value specified in applicants' claims.

In general, clear-type juice, which is produced using ultrafiltration (UF), microfiltration (MF) or diatomite filtration, will have a low turbidity (about 5-10). The juice of Chen et al is "clarified"; thus, it is recognized to have a 5-10 turbidity. Consequently, the juice of the present invention is significantly different from that of Chen et al, and is inventive over Chen et al.

With this evidence now of record it will be apparent that the Chen patent in no way anticipates any of claims 1 and 4-9, hence these claims are patentable.


The remaining rejections in items 10-12 are directed to claims 10, 11 and 14 respectively. As these claims depend directly or indirectly from claim 1, these rejections, which all rely upon as the primary reference the Chen et al patent, should be withdrawn as well.

Reconsideration and favorable action are solicited. Should the examiner require further information, please contact the undersigned.

Respectfully submitted,

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